

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

KATHRYN KNOWLTON et. al.,

Plaintiffs,

v.

Case No. 20 CV 01660

CITY OF WAUWATOSA et. al,

Defendants.

**PLAINTIFFS' PROPOSED FINDINGS OF FACTS IN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

1. Plaintiffs were protesting in Wauwatosa on varying days between October 7, 2020 through October 12, 2020 during the curfew because they were not able to protest after 6 am and before 7 pm due to personal and/or work obligations. Declarations of Jacqueline Bogenberger ¶ 8, Raine Cich ¶ 6, Tahudah Cole ¶ 6, Taleavia Cole ¶ 6, Tracy Cole ¶ 6, Rachel Dulay ¶ 2, Erik Fanning ¶ 6, Jill Ferguson ¶ 2, Breon Foster ¶ 6, Destiney Jones ¶ 2, Kathryn Knowlton ¶ 3, Dana McCormick ¶ 3, Sonora Larson ¶ 6, Molly Nilssen ¶ 7, Carmen Palmer ¶ 5, D.P. ¶ 4, C.P. ¶ 4, Leah Porter ¶ 2, Nathan Sabel ¶ 2, Peter Sparks ¶ 6, Angel Vega ¶ 5, Christina Vitolo-Haddad ¶ 2, Gabriella Vitucci ¶ 6, Suzanne Wells ¶ 2, Kathelyn Wojnar ¶ 6, and Sonja Worthy ¶ 2.
2. Plaintiffs did not disclose or do not recall disclosing their personal information such as their weight, height, and eye color to officers in Wauwatosa on the dates of the police reports or citations that were released by Joseph Roy in January 7, 2021 that their information is found on. Declarations Andrew Aaron ¶ 3, Robert Agnew ¶ 4, Kamila Ahamed ¶ 5, Jacqueline Bogenberger ¶ 6, Raine Cich ¶ 5, Taleavia Cole ¶ 5, Steven

Conklin ¶ 3, Anne Delessio-Parson ¶ 4, Rachel Dulay ¶ 5, Eric Fanning ¶ 5, Jill Ferguson ¶ 5, Breon Foster ¶ 5, Joanna Geisler ¶ 9, Joseph Hayes ¶ 5, Destiney Jones ¶ 5, Adante Jordan ¶ 5, Mary Kachelski ¶ 3, Sean Kafer ¶ 5, Kathryn Knowlton ¶ 2, Joseph Koepp ¶ 4, John Larry ¶ 5, Alex Larson ¶ 5, Sonora Larson ¶ 5, Lazarito Mathieu ¶ 6, Dana McCormick ¶ 2, Molly Nilssen ¶ 5, Carmen Palmer ¶ 8, D.P. ¶ 6, C.P. ¶ 6, Leah Porter ¶ 7, William Rivera ¶ 10, Hector Rodriguez ¶ 6, Oscar Rodriguez ¶ 5, Rosalind Rogers ¶ 16, Nathan Sabel ¶ 5, William Schroeder ¶ 10, Mariah Smith ¶ 3, Peter Sparks ¶ 5, Angel Vega ¶ 11, Christina Vitolo-Haddad ¶ 7, Gabriella Vitucci ¶ 5, Jayden Welch ¶ 5, Suzanne Wells ¶ 5, Brandon Wilborn ¶ 5, Katelyn Wojnar ¶ 11 and Sonja Worthy ¶ 7.

3. No police officers reached out to the following Plaintiffs as a witness, victim, or suspect involving protests from May 25, 2020 to August 5, 2020. Declarations Andrew Aaron ¶ 4, Jacqueline Bogenberger ¶ 4, Lavita Booker ¶ 5, Rebecca Burrell ¶ 5, Raine Cich ¶ 4, Taleavia Cole ¶ 4, Tahudah Cole ¶ 4, Tracy Cole ¶ 4, Steven Conklin ¶ 4, Lauryn Cross ¶ 4, Eric Fanning ¶ 4, Jessica Fenner ¶ 5, Breon Foster ¶ 4, Christine Groppi ¶ 5, Gaige Grosskreutz ¶ 4, Mary Kachelski ¶ 4, Sonora Larson ¶ 4, Van Mayes ¶ 5, Molly Nilssen ¶ 4, Shawn Page ¶ 4, Carmen Palmer ¶ 8, D.P. ¶ 3, C.P. ¶ 3, Oscar Rodriguez ¶ 4, Madeleine Schweitzer ¶ 5, Mariah Smith ¶ 4, Peter Sparks ¶ 4, Tiffany Stark ¶ 5, Angel Vega ¶ 4, Tristiana Walls ¶ 5, Oscar Walton ¶ 4, Briitta Welch ¶ 4, Trisha Wilson ¶ 5, and Katelyn Wojnar ¶ 4.
4. The City of Wauwatosa did not have a written press credentialing process for the City of Wauwatosa in October of 2020. Ex..1, 103.
5. Wauwatosa was the recipient of federal grant funding in 2020 from the Department of Transportation Speed Grant, Alcohol Traffic Enforcement Grant “ATEG”, and the DOT

Click or Ticket Grant. Ex. 28, 50.

6. William Rivera is afro Latino and on October 9, 2020 he lived in Wauwatosa. Dec. William Rivera ¶ 2.
7. Aidali Rivera is Puerto Rican and the mother of William Rivera. Dec. Aidali Rivera ¶ 1.
8. Hector Rodriguez is Puerto Rican and on October 9, 2020 he was arrested in Wauwatosa and given a ticket for violating the curfew. Dec. Hector Rodriguez ¶ 2.
9. Lazarito Matheu is Cuban American and was in Wauwatosa on October 9, 2020 not protesting nor was he committing any crimes. Dec. Lazarito Matheu ¶ 2.
10. On October 9, 2020 Aidali Rivera was arrested by a person whom (she) believes to be Wauwatosa officer Jeffrey Farina. Dec. Aidali Rivera ¶ 2.
11. On October 9, 2020, Aidali Rivera was not protesting in Wauwatosa and she told the officer whom she believes was Farina that. Dec. Aidali Rivera ¶ 4.
12. “The officer who I believe was Farina put the handcuffs on me very tight and I went to the hospital later for my injuries.” Dec. Aidali Rivera ¶ 5.
13. “Farina is also the officer who ticketed me for violation of an emergency order and I was placed under arrest for hours.” Dec. Aidali Rivera ¶ 6.
14. “My ticket was dismissed when I went to court in 2021.” Dec. Aidali Rivera ¶ 7.
15. On September 5, 2020 Isaiah Baldwin and Rosalind Rogers were both arrested by Wauwatosa officer Jeffrey Farina for several hours and also ticketed by him. Dec. Rosalind Rogers ¶ 4 and Isaiah Baldwin ¶ 4.
16. On September 5 and 6, 2020 Isaiah Baldwin and Rosalind Rogers were not setting up, holding, or conducting a special event in Wauwatosa. Dec. Rosalind Rogers ¶ 6 and Isaiah Baldwin ¶ 6.

17. On September 5 and 6, 2020 Isaiah Baldwin and Rosalind Rogers were not acting as event organizers in Wauwatosa. Dec. Rosalind Rogers ¶ 5 and Isaiah Baldwin ¶ 5.
18. “Farina arrested me and put the handcuffs on me extremely tight.” Dec. Isaiah Baldwin ¶ 8.
19. “I was wearing a shirt with TPR on it and Farina told me it was a gang shirt.” Dec. Isaiah Baldwin ¶ 9.
20. “While I was handcuffed, Farina inappropriately grabbed my penis and I told him that it was inappropriate.” Dec. Isaiah Baldwin ¶ 10.
21. “Farina told me when he was grabbing my penis that, ‘Maybe you won’t do this again.’” Dec. Isaiah Baldwin ¶ 11.
22. “Farina tightened the handcuffs on me extremely tightly, I complained and he did not loosen them up at all.” Dec. Isaiah Baldwin ¶ 12.
23. I was given a ticket for Special Event Permit required on September 6, 2020 that was later dismissed when I went to court. Dec. Isaiah Baldwin ¶ 15.
24. Officer Farina put the handcuffs on Rosalind Rogers tight and told her that TPR was a gang. Dec. Rosalind Rogers ¶ 8.
25. Rosalind Rogers would later see Farina at the WPD and he told her again that TPR was a gang. Dec. Rosalind Rogers ¶ 11.
26. I was given a ticket for Special Event Permit required on September 6, 2020 that was later dismissed when I went to court. Dec. Rosalind Rogers ¶ 13.

27. William Rivera believes that the officer who arrested him is a City of Wauwatosa employee. Dec. William Rivera ¶ 5.
28. William Rivera was told that he was being arrested “because at this point it does not matter because you are black” and believes this person to be a Wauwatosa officer.
Dec. William Rivera ¶ 7.
29. William Rivera had no idea that a curfew was in place when he was arrested on October 9, 2020. Dec. William Rivera ¶ 4.
30. William Rivera was told by the officers to take off his uniform shirt before they took his booking photo. Ex. 29, Depo. William Rivera pg. 88 line 9 – 15.
31. Hector Rodriguez was not protesting in Wauwatosa nor was he committing any crimes on October 9, 2020 when he was arrested. Dec. Hector Rodriguez ¶ 3.
32. During the curfew, it was the policy of the WPD to allow its officers to put black tape over their identifying information such as their names and their numbers. Ex. 31, Depo. Luke Vetter pg. 158.
33. Aidali Rivera was not protesting in Wauwatosa on October 9, 2020 and she told the officer whom she believed was Farina that she was taking her son, William Rivera, home in Wauwatosa home from work. Dec. Aidali Rivera ¶ 4.
34. Ratkowski obtained the address of the following Plaintiffs from the DOT, Khalil Coleman p. 1, Brandon Wilborn p.1, Mariah Smith p.1, Rebecca Wigley (Burrell) p.2, Jacqueline Bogenberger p.2, Joseph Koepp p.4, Van Mayes p.6, Gaige Grosskreutz p.6, John Larry p.6, Taleavia Cole p.7, Tracy Cole p.7, Tristiana Walls p.7, Tahudah Cole p.7, Rosalind Rogers p.8, Robert Agnew p. 9, Adante Jordan p. 10, Jayden Welch p.10, Briitta Welch

p.10, Oscar Concepcion Rodriguez p.10, Katelyn Wojnar p. 11, Sean Kafer p. 11, Madeleine Schweitzer p.11, Steven Conklin p.12, Molly Nilssen p.13, Sonora Larson p.13, Raine Cich p. 14, Alex Larson p. 14, Oscar Walton p. 14, Gabriella Vitucci p. 15, Lavita Booker p.15, Trisha Wilson p.15, Shawn Page p.18, Jessica Fenner p., Christine Groppi p.23, and Tiffany Stark p.24. Ex. 20 TPR Target List.

35. Defendant McBride started preparing for the Emergency Proclamation in July of 2020. Ex. 1 p. 27. Ex. 17.
36. Instead Defendant Weber agreed that the concerns stated in the Emergency Proclamation were “speculative” and “guesswork.” Ex. 19, 174:21-25.
37. According to Weber, an, an individual engaged in protest was subject to the curfew, but an individual walking his dog, who had to get their kids somewhere, or an individual just generally outside traveling was not. Ex. 19, 177:6-20.
38. On January 7, 2021 Joseph Roy disclosed Plaintiff John Larry’s personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 1; DF Bates 28878.
39. On January 7, 2021 Joseph Roy disclosed Plaintiff Joseph Hayes’s personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 1 & 2; DF Bates 28879.
40. On January 7, 2021 Joseph Roy disclosed Plaintiff Jayden Welch’s personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 2 & 3; DF Bates 28880.
41. On January 7, 2021 Joseph Roy disclosed Plaintiff Sean Kafer’s personal

information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 3 ; DF Bates 28880.

42. On January 7, 2021 Joseph Roy disclosed Plaintiff Khalil Coleman's personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 4; DF Bates 28881.
43. On January 7, 2021 Joseph Roy disclosed Plaintiff Alex Larson's personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 5 & 6; DF Bates 28883 & 28884.
44. On January 7, 2021 Joseph Roy disclosed the Plaintiff Kamila Ahamed's personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 6; DF Bates 28884.
45. On January 7, 2021 Joseph Roy disclosed the Plaintiff Gabriella Vitucci's personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 6 & 7; DF Bates 28885.
46. On January 7, 2021 Joseph Roy disclosed the Plaintiff Brandon Wilborn's personal information of height, weight, eye color, and hair color that was obtained from DOT records. Ex. 39, 7; DF Bates 28885.
47. On January 7, 2021 Joseph Roy disclosed the Plaintiff Adante Jordan's personal information of address, gender, race, and date of birth that was obtained from DOT records. Ex. 39, 8 & 9; DF Bates 29077.
48. In July 2020 McBride spoke with Mayor Tom Barret about preparing for Chisholm's announcement. Ex. 1, 28.

Respectfully submitted this 1st day of February, 2023.

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